

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

HARVARD PILGRIM HEALTH CARE, INC.,)
HPHC INSURANCE COMPANY, INC., AND)
HARVARD PILGRIM HEALTH CARE OF)
NEW ENGLAND, INC.,)

Plaintiffs,)

v.)

THE UNITED STATES OF AMERICA,)

Defendant.)

Case No. 18-1820C

Judge Loren Smith

JOINT STATUS REPORT

Pursuant to the Court's November 9, 2021 order (ECF No. 30), the parties respectfully submit this Joint Status Report. The November 9, 2021 order continued the stay in these proceedings and directed the parties to file a joint status report proposing further proceedings by January 4, 2022.

This case is currently stayed because the Government is working with a number of CSR plaintiffs to determine whether they may efficiently resolve this matter without further litigation or at least streamline these cases. On November 9, 2021, the Court continued the stay and ordered the parties to file a joint status report on or before January 4, 2022. ECF No. 30.

The parties request that the Court continue the stay in this case for 60 days to provide more time for the broader discussions about possible approaches to resolving this and other CSR cases. As the parties reported previously, counsel for a large number of plaintiff health plans shared a proposal with the Government on December 3, 2021. The Government is reviewing the proposal and consulting with the client agency and its actuaries. The Government hopes to provide

Plaintiffs with a substantive response by late January. Plaintiffs here have expressed a willingness to consider seriously the method, if any, that the Government is able to agree to with the other CSR plaintiffs for resolving or streamlining the CSR cases. The complexity of the CSR cases and the number of interested stakeholders necessitate that the parties be afforded additional time for these efforts. In addition, the parties here are discussing with each other and may present to the Court, other options to partially or fully resolve the remaining claims. Good cause therefore exists to continue the stay.

Continuing the stay for 60 days is warranted given that the Government has agreed that it will stipulate to liability and damages for Plaintiffs' claims for CSR amounts owed for 2017 in this case and the parties will work together to present the Court with a joint stipulation and motion for entry of partial final judgment as to CSR damages the Government owes Plaintiffs for 2017 in this case.

Accordingly, the parties jointly request that the Court continue the stay in this case for 60 days, until March 4, 2022, to file the next joint status report in which the parties will update the Court on the status of their efforts to fully resolve this matter.

Dated: January 4, 2022

s/ Stephen McBrady
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